

REMARKS

The Applicant thanks the Examiner for the careful review of the application in the last Office Action.

The Applicant has enclosed new drawings to address the poor quality drawings provided earlier via fax.

The Examiner has rejected all of the pending claims either under §102 or §103 over the Reicks reference alone or in combination with Furrer.

In the sentence on page 3 of the Office Action, the Examiner has stated:

An assertion of unexpected results or criticality is conspicuously absent from Applicant's Remarks.

The Applicant has responded with new arguments and numerous affidavits to support the unexpected results obtained by the short duration of flow reversal.

The Examiner argued that it would be obvious for one skilled in the art to experiment with the times in order to minimize the processing time.

In fact the teaching in the prior art, as shown by the affidavits, was just the opposite. The original Hot Flush machine as shown in the original Reicks patent was used by circulating the fluid in one direction for an extended period of time. It was the conventional wisdom that the longer you pumped the fluid, the more contaminants would be removed, and similarly once you reversed the flow, the longer you would

run the fluid through the container in the reverse direction, the more contaminants you would remove. The original Hot Flush machines were, therefore, run equally 4 minutes in each direction.

This notion of a very short duration of reverse flow (3 seconds) is contrary to the thinking of those skilled in the art. Indeed, the attached affidavits confirm that the normal thinking was to pump the fluid in each direction for equal duration. The notion of cutting the reverse flow direction time down to a very short duration (e.g. 3 seconds) was, not surprisingly, received with skepticism, but it produced the unexpected improved performance in contamination removal. Additionally, all of the claims, as amended, contain a limitation to departing from the equal flow direction durations to using one flow direction duration which surpasses the other.

The Examiner points out that the Applicant did not respond to the inherency rejection. The Applicant feels that the attached affidavits now show that the conventional thinking was to use equal flow duration in each direction. In order for something to be inherent, it would have to be obvious to a person skilled in the art. It would not be obvious to a person skilled in the art to depart from the conventional thinking of equating fluid flow direction durations to use a dramatically shorter reverse duration. The publication Patent Office Rules and Practice by Horowitz states: "With novelty, a single prior art reference may anticipate because of what it inherently discloses or embodies. *An inherent feature may be relied upon to establish obviousness only if the inherency would have been obvious to one of*

ordinary skill in the art: 'Inherency and obviousness are distinct concepts.'"

(emphasis added) . Vol 2 Chapter 5.03(a) (i) (A).

The cited references, when viewed by a person having ordinary skill in the art, would not teach the claims, as amended.

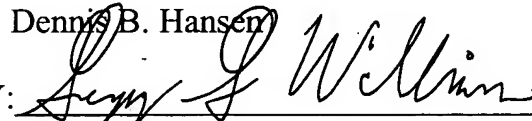
Again, the Applicant thanks the Examiner for a careful examination and believes that the newly provided argument and evidence clearly show that all of the claims, as amended, with their short duration reversal times and disparate flow direction durations, are not anticipated or obvious in view of the cited references.

Early notification of allowance of this application would be much appreciated.

Respectfully submitted,

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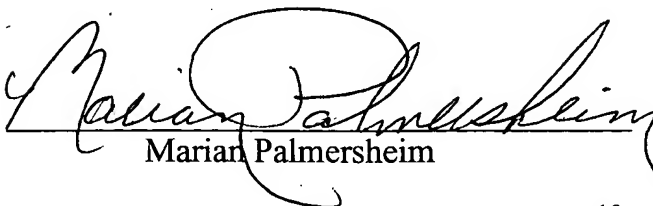
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on November 18, 2005.


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